

**CS FOR HOUSE BILL NO. 272(JUD)**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**TWENTIETH LEGISLATURE - SECOND SESSION**

**BY THE HOUSE JUDICIARY COMMITTEE**

**Offered: 3/4/98**

**Referred: Finance**

**Sponsor(s): REPRESENTATIVE GREEN**

**A BILL**

**FOR AN ACT ENTITLED**

**1 "An Act relating to allowing the commissioner of corrections to allow a prisoner**  
**2 to serve a term of imprisonment or period of temporary commitment by electronic**  
**3 monitoring; and relating to the crime of escape."**

**4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

**5 \* Section 1.** AS 11.56.310(a) is amended to read:

**6 (a)** One commits the crime of escape in the second degree if, without lawful  
**7 authority, one**

**8 (1)** removes oneself from

**9 (A)** a correctional facility while under official detention;

**10 (B)** official detention for a felony or for extradition; or

**11 (C)** official detention and, during the escape [,] or at any time

**12 before being restored to official detention, one possesses on or about oneself**  
**13 a firearm; [OR]**

**14 (2)** violates AS 11.56.340 and, during the time of the unlawful evasion

1           [.] or at any time before being restored to official detention, one possesses on or about  
2 oneself a firearm; **or**

3                       **(3) removes, tampers with, or disables the electronic monitoring**  
4 **equipment, or leaves one's residence or other place designated by the**  
5 **commissioner of corrections for the service by electronic monitoring of official**  
6 **detention for a felony.**

7 \* **Sec. 2.** AS 11.56.330(a) is amended to read:

8           (a) One commits the crime of escape in the fourth degree if, without lawful  
9 authority, one

10                       (1) removes oneself from official detention for a misdemeanor; [OR]

11                       (2) having been placed under actual restraint by a peace officer before  
12 arrest, removes oneself from the restraint; **or**

13                       **(3) removes, tampers with, or disables the electronic monitoring**  
14 **equipment, or leaves one's residence or other place designated by the**  
15 **commissioner of corrections for the service by electronic monitoring of official**  
16 **detention for a misdemeanor.**

17 \* **Sec. 3.** AS 12.55.015(e) is amended to read:

18           (e) If the defendant is ordered to serve a definite term of imprisonment, the  
19 court may recommend that the defendant serve all or part of the term

20                       **(1) in a correctional restitution center;**

21                       **(2) by electronic monitoring.**

22 \* **Sec. 4.** AS 33.30.061 is amended by adding a new subsection to read:

23           (c) The commissioner may, under AS 33.30.065, designate a prisoner to serve  
24 the prisoner's term of imprisonment or period of temporary commitment, or a part of  
25 the term or period, by electronic monitoring. A prisoner serving a term of  
26 imprisonment, or a period of temporary commitment, for a crime involving domestic  
27 violence is not eligible for electronic monitoring.

28 \* **Sec. 5.** AS 33.30 is amended by adding a new section to read:

29           **Sec. 33.30.065. Service of sentence by electronic monitoring.** (a) If the  
30 commissioner designates a prisoner to serve the prisoner's term of imprisonment or  
31 period of temporary commitment, or a part of the term or period, by electronic

1 monitoring, the commissioner shall direct the prisoner to serve the term or period at  
2 the prisoner's residence or other place selected by the commissioner. The electronic  
3 monitoring shall be administered by the department and shall be designed so that any  
4 attempt to remove, tamper with, or disable the monitoring equipment or to leave the  
5 place selected for the service of the term or period will result in a report or notice to  
6 the department.

7 (b) In determining whether to designate a prisoner to serve a term of  
8 imprisonment or period of temporary commitment by electronic monitoring, the  
9 commissioner shall consider

- 10 (1) safeguards to the public;
- 11 (2) the prospects for the prisoner's rehabilitation;
- 12 (3) the availability of program and facility space;
- 13 (4) the nature and circumstances of the offense for which the prisoner  
14 was sentenced or for which the prisoner is serving a period of temporary commitment;
- 15 (5) the needs of the prisoner as determined by a classification  
16 committee and any recommendations made by the sentencing court;
- 17 (6) the record of convictions of the prisoner, with particular emphasis  
18 on crimes specified in AS 11.41 or crimes involving domestic violence;
- 19 (7) the use of drugs or alcohol by the prisoner; and
- 20 (8) other criteria considered appropriate by the commissioner.

21 (c) A decision by the commissioner to designate a prisoner to serve a term of  
22 imprisonment or a period of temporary confinement, or a part of the term or period,  
23 by electronic monitoring does not create a liberty interest in that status for the prisoner.  
24 The prisoner may be returned to a correctional facility at the discretion of the  
25 commissioner.

26 (d) The commissioner may require a prisoner designated to serve a term of  
27 imprisonment or a period of temporary confinement by electronic monitoring to pay  
28 all or a portion of the costs of the electronic monitoring.